

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 06, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS RAMIREZ, JR.,

Defendant.

No. 1:22-CR-02072-MKD-1

ORDER REJECTING PLEA
AGREEMENT

On January 3, 2023, the Court held a sentencing hearing in the above-captioned matter. Defendant Carlos Ramirez, Jr. was present in custody of the United States Marshal. He was represented by Assistant Federal Defender Craig Webster. Assistant United States Attorneys Todd Swenson and Thomas Hanlon appeared on behalf of the United States. This Order memorializes and supplements the Court's oral ruling rejecting the parties' Federal Rule of Criminal Procedure 11(c)(1)(C) Plea Agreement ("Plea Agreement"), ECF No. 24.

Prior to the sentencing hearing, the Court reviewed the Plea Agreement, ECF No. 24; Defendant's Objections to the Presentence Investigation Report, ECF

1 No. 29; the United States' Sentencing Memorandum, ECF No. 30; Defendant's
2 Sentencing Memorandum, ECF No. 31; the Presentence Investigation Report, ECF
3 No. 32; the Addendum to the Presentence Investigation Report, ECF No. 33; and a
4 letter in support of Defendant, ECF 35.

5 At the sentencing hearing, for the reasons stated on the record, the Court
6 calculated the advisory United States Sentencing Guideline range as 30 to 37
7 months and rejected the parties' calculation of the advisory range of 15 to 21
8 months. The Court finds no basis for a variance to a below guideline range in this
9 matter and therefore rejects the parties Rule 11(c)(1)(C) range of 15 to 21 months.

10 Following the Court's oral ruling rejecting the Plea Agreement, the Court
11 advised Defendant that he has the right to withdraw his guilty plea pursuant to the
12 terms of the Plea Agreement. The Court reset the sentencing hearing to January
13 17, 2023, to allow Defendant to confer with counsel.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 **1.** The parties' Federal Rule of Criminal Procedure 11(c)(1)(C) Plea
16 Agreement, **ECF No. 24**, is **REJECTED**.

17 **2.** The sentencing hearing is **RESET** to **January 17, 2023, at 3:00 p.m.**
18 in **Yakima**, Washington.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
3 Service.

4 **DATED** January 6, 2023.

5
6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES DISTRICT JUDGE
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